

GAHC010257582025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6928/2025

MUSSTT. RAKIBA KHATOON
W/O- LATE MAZID ALI, D/O- LATE MD. AHMED HUSSAIN, PERMANENT
RESIDENT OF VILL.- KAKAJAN, P.S. TEOK, DIST. JORHAT, ASSAM AND
PRESENT RESIDENT OF VILL.- MATIKHULA, P.S. BARPATHAR, DIST.
GOLAGHAT, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, NEW DELHI-110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE DISTRICT COMMISSIONER
JORHAT
DIST. JORHAT
ASSAM
PIN- 785001.

4:THE SUPERINTENDENT OF POLICE (B)
JORHAT
JORHAT
ASSAM
PIN- 785001.

5:THE OFFICER-IN-CHARGE
TEOK POLICE STATION

DIST. JORHAT
ASSAM
PIN- 785001.

6:THE STATE COORDINATOR OF NATIONAL REGISTRAR OF CITIZENS
ASSAM
ACHYUT PLAZA
1ST FLOOR
G.S. ROAD
BHANGAGARH
GUWAHATI
ASSAM
PIN- 781005.

7:ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI-110001

Advocate for the Petitioner : MR. K BORUAH, MR. M ALAM,MS. P BORAH,MS. M BHUYAN

Advocate for the Respondent : DY.S.G.I., SC, ECI,GA, ASSAM,SC, NRC,SC, F.T

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : Date: 30.01.2026
(K.R. Surana, J)

Heard Mr. K. Boruah, learned counsel appearing on behalf of the petitioner. Also heard Ms. B. Sarma, learned CGC; Mr. P. Sarma, learned Addl. Senior Government Advocate; Mr. A. Verma, learned Standing Counsel, F.T. as well as Ms. S. Katakey, learned Standing Counsel, ECI.

2. By filing this petition under Article 226 of the Constitution of India, the petitioner has assailed the impugned common Order dated 28.02.2022, passed by

the learned Member, Foreigners' Tribunal Jorhat, Assam, in Case No. FTG. 68/2010, (corresponding to S.P.'s Enquiry No. 342/2004, State-Vs-Musstt. Rakiba Khatoon), by which the said learned Tribunal *ex parte* declared the petitioner to be an illegal migrant/foreigner of the stream of post 25-03-1971, who entered into the territory of India (Assam) without any valid document.

3. The learned counsel for the petitioner submits that the *ex parte* order was passed without due service of notice upon the petitioner.

4. Accordingly, this Court, before issuance of notice, would like to examine the learned Tribunal's record.

5. Let the records be called for from the concerned Tribunal by usual process as well as by e-mail at the following e-mail address:-

memftjorhat55@gmail.com

6. In the event the petitioner, namely, Musstt. Rakiba Khatoon is apprehended, she shall not be expelled from the Country without any further order of the Court.

7. The petitioner shall cause production of a certified copy of this order before the Superintendent of Police (B), Jorhat, to bring the order to the notice of the said authority.

8. Let this matter be listed again on 23.02.2026

JUDGE

JUDGE

Comparing Assistant